

AD-A098 419

ARMY MILITARY PERSONNEL CENTER ALEXANDRIA VA

F/G 5/11

THE PROBLEM OF DIRTY HANDS: THE MORAL DILEMMA OF PUBLIC LIFE.(U)

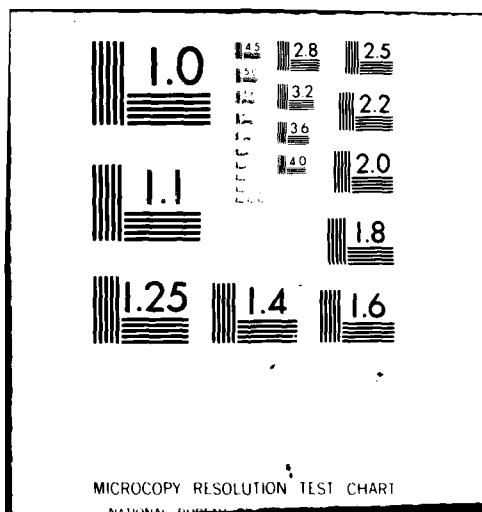
APR 81 J M FAITH

UNCLASSIFIED

NL

1-1
AD-A098 419

END
DATE
FILMED
5-81
DTIC



AD A098419

LEVEL II

2

THE PROBLEM OF DIRTY HANDS: THE MORAL DILEMMA OF PUBLIC
LIFE

CPT Jonathan M. Faith
HQDA, MILPERCEN (DAPC-OPP-E)
200 Stovall Street
Alexandria, VA 22332

21 April 1981

Approved for public release; distribution unlimited.

DTIC
ELECTE
S MAY 4 1981 D
D

A thesis submitted to the University of North Carolina
in partial fulfillment of the requirements for the degree
of Master of Arts in Philosophy.

01 5 01 052

REPORT DOCUMENTATION PAGE		READ INSTRUCTIONS BEFORE COMPLETING FORM
1. REPORT NUMBER	2. GOVT ACCESSION NO.	3. RECIPIENT'S CATALOG NUMBER
	AD-A098419	
4. TITLE (and Subtitle)		5. TYPE OF REPORT & PERIOD COVERED
The Problem of Dirty Hands: The Moral Dilemma of Public Life.		21 April 81
6. PERFORMING ORG. REPORT NUMBER		
7. AUTHOR(s)		8. CONTRACT OR GRANT NUMBER(s)
Jonathan N. Faith		9. Master's thesis
10. PERFORMING ORGANIZATION NAME AND ADDRESS		11. PROGRAM ELEMENT, PROJECT, TASK AREA & WORK UNIT NUMBERS
Student, HQDA, MILPERCEN (DAPC-OPP-E) 200 Stovall Street, Alexandria, VA 22332		12. REPORT DATE
11. CONTROLLING OFFICE NAME AND ADDRESS		13. NUMBER OF PAGES
HQDA, MILPERCEN, ATTN: DAPC-OPP-E 200 Stovall, St., Alexandria, VA 22332		59
14. MONITORING AGENCY NAME & ADDRESS (if different from Controlling Office)		15. SECURITY CLASS. (of this report)
12 63		Unclassified
16. DISTRIBUTION STATEMENT (of this Report)		15a. DECLASSIFICATION/DOWNGRADING SCHEDULE
Approved for public release; distribution unlimited.		
17. DISTRIBUTION STATEMENT (of the abstract entered in Block 20, if different from Report)		
18. SUPPLEMENTARY NOTES		
Thesis submitted in partial fulfillment of Master of Arts Degree requirements in Philosophy, at University of North Carolina		
19. KEY WORDS (Continue on reverse side if necessary and identify by block number)		
Ethics; Public & Private Morality; Public Life; Moral Theory; agent of the state		
20. ABSTRACT (Continue on reverse side if necessary and identify by block number)		
<p>The problem of dirty hands in public life is defined as the predicament of the agent of the state who is required in fulfilling his duties to perform acts that for a private citizen would be considered immoral. The problem is approached as a particular form of moral dilemma, and recent works are reviewed which find the dilemma to be generated by conflicts (continued on reverse)</p>		

↓
(Block 20 - continued): of obligations as defined by opposing moral theories. It is argued that theories that depend upon absolute moral prohibitions, which cannot be justifiably violated under any circumstances, lead inevitably to moral dilemmas. Consequential moral theories, on the other hand, provide methods of calculation that allow conflicts of obligations to be resolved, but suffer from serious problems concerning individual rights.

The conclusion is that moral theories must allow principles to be applied contingent upon real circumstances to avoid moral dilemmas such as that of "dirty hands."

↙

THE PROBLEM OF DIRTY HANDS:
THE MORAL DILEMMA OF PUBLIC LIFE

by

Jonathan Mark Faith

A Thesis submitted to the faculty of the
University of North Carolina at Chapel Hill
in partial fulfillment of the requirements
for the degree of Master of Arts in the
Department of Philosophy.

Chapel Hill

1981

Accession For	
NTIS GRA&I	<input checked="checked" type="checkbox"/>
DTIC TAB	<input type="checkbox"/>
Unannounced	<input type="checkbox"/>
Justification	
By	
Distribution/	
Availability Codes	
Dist	Avail and/or Special
A	

DTIC
ELECTE
MAY 4 1981
S D

Approved by:

E. M. Adams

Adviser

Indith Lichtenberg

Reader

Gerald F. Packer

Reader

JONATHAN MARK FAITH. The Problem of Dirty Hands: The Moral Dilemma of Public Life (Under the direction of E. MAYNARD ADAMS.)

The problem of dirty hands in public life is defined as the predicament of the agent of the state who is required in fulfilling his duties to perform acts that for a private citizen would be considered immoral. The problem is approached as a particular form of moral dilemma, and recent works are reviewed which find the dilemma to be generated by conflicts of obligations as defined by opposing moral theories. It is argued that theories that depend upon absolute moral prohibitions, which cannot be justifiably violated under any circumstances, lead inevitably to moral dilemmas. Consequential moral theories provide methods of calculation that allow conflicts of obligations to be resolved, but suffer from serious problems concerning individuals.

The conclusion is that moral theories must allow principles to be applied contingent upon real circumstances to avoid moral dilemmas such as that of "dirty hands."

CONTENTS

INTRODUCTION	iii
Section	
I. RECENT ATTEMPTS TO DEFINE THE PROBLEM	1
II. PROBLEMS OF ABSOLUTISM	18
III. CONSEQUENTIAL THEORIES AND THE CONFLICT OF OBLIGATIONS	29
IV. CONCLUSION	46
BIBLIOGRAPHY	50

INTRODUCTION

The problem of "Dirty Hands," as it was titled by Sartre in his play of the same name,¹ concerns the predicament of the agent of the state who is required in fulfilling his duties to perform acts that for a private citizen would be considered immoral. The problem is often raised when examining the issues of moral dilemmas, for it readily reduces to a conflict of moral obligations such that any course of action chosen by the agent necessarily violates the demands of equally important obligations, inevitably, so it seems, leaving the agent with "dirty hands."

The importance of this problem has not been overlooked throughout the history of moral philosophy, but it has regained special attention in recent years, undoubtedly fueled to some degree by the notorious and well-publicized problems in both foreign and domestic politics.

The plan of this thesis is first to examine some of the recent approaches to this problem in moral philosophy, as background to discussing specific issues and

¹Jean-Paul Sartre, Dirty Hands (Les Mains Sales), in No Exit and Three Other Plays by Jean-Paul Sartre (New York: Vintage Books, 1955).

arguments which will then be presented on the question of whether the problem is a real moral dilemma, and thus ultimately whether "dirty hands" is the inescapable result of public life. The thesis that I wish to advance is that the problem is not a moral dilemma as many have claimed, and that their confusion in this respect rests upon unsupportable assumptions about both morality and public life.

In particular, I intend to argue that the assumptions about morality, its purposes and principles, which generate the claimed dilemma, can only lead to conclusions that morality, or at least the living of a moral life, is an impossibility.

There are many who might find this completely acceptable. They might well argue that morality is itself an ideal notion and as such the practicality and possibility of its principles are not relevant. It can be viewed as a perfect standard against which our admittedly imperfect actions are to be judged. Like any such ideal standard, it is able to perform its function precisely in virtue of its perfection and without regard for its attainability. Those who fail to appreciate this might be held to have impaled themselves upon the "Ought/Is" distinction, for morality certainly is conceived of as telling us not how things are, but how they ought to be.

This roughly outlined position represents a basic, rock-bottom philosophical assumption which I believe perverts the very nature and purpose of morality. If morality is to provide us with a guide for action in our everyday life, then it must deal with the possible rather than the impossible. It is pragmatically useless and even absurd if it can only tell us we ought to do things that are not possible. The primary function of morality is to provide us with a means to evaluate possible courses of action that confront us in our lives. It is in this sense that "ought" implies "can," something which I shall discuss further at a later point in this paper, and it should be noted that while it might be improper to derive "ought" from "is," the question of deriving "ought's" consistent with what "is possible" is an entirely different matter.

Thus, from the outset, I think it should be clear that there is a fundamental distinction to be made between opposing views on what is the basic function of morality. I take it to be evaluative, i.e., that morality is a practical tool for judging the appropriateness of actions open to ourselves and others. Many of those whose positions I shall discuss and criticize obviously hold that the primary function of morality lies in a stronger prescriptive role. Their theories thus give precedence to ideals over pragmatic considerations. As to what

purpose these ideals are to serve, there often seems to be only vague notions.

Consider, as an example, the notion of, "The greatest good for the greatest number." We might well ask, "For what purpose?" Aside from the fact that the ideals of utility are notoriously ambiguous and have thus been subjected to never-ending reformulations, it seems that they can hold little interest for us as individuals unless we identify ourselves as part of the "greatest number" benefiting from whatever the "greatest good" might be. When I discover that, in utilitarianism's view of interests, the point of the ideal is to be completely impartial, and therefore my individual good does not carry any weight, I immediately become suspicious of the whole enterprise.

Thus if morality is to be built upon an idealism which seems to be pursued for its own sake, without a clear relation to the real problems of individuals' lives and interests, the question of, "Why be moral?" becomes critical.

But morality is not a web of abstractions based upon mystical ideals; it is something that guides us every day of our lives. In every self-reflective action, at least, we evaluate our actions (and those of others) concerning their appropriateness for us as persons. This is the very essence of moral decision. We make

these decisions not based solely on some ideal principle such as the categorical imperative, but rather base our decisions upon numerous pragmatic factors that include the facts of the circumstances, the courses of action we perceive as open to us, and our view of ourselves as persons committed to a certain mode of life.

There are two noteworthy points in this view of moral decision. The first is that ideals play only a part in our moral evaluations, and therefore are not the absolute dictators of moral decisions. The second is that the overworked question, "Why be moral?" appears to be almost trivial in this view. It is trivial because it is commonplace; we ask ourselves this question every time we make a moral decision, and find good reasons to be moral whenever we so act. Morality is a personal decision, not an abstract science. We need no overwhelming arguments to impress upon us its importance; we recognize its importance to us as individuals in everything we do.

I have felt it necessary to distinguish between these fundamental assumptions about the purposes of morality because the distinction has great impact upon how one views the possibility of moral dilemmas, and the problem of dirty hands in particular. This will become clearer in the sections which follow, as we first consider positions others have advanced on this problem,

viii.

and then develop some of my own.

I

RECENT ATTEMPTS TO DEFINE THE PROBLEM

The first problem in discussing the question of dirty hands is to determine the nature of the supposed dilemma. While a simplified statement of the nature of the conflict and example cases seem to be easily agreed upon, every philosopher considering the problem draws his own picture of how the conflict is generated.

Max Weber, for example, wrote of it as a conflict of the ethics of ultimate ends with the ethics of responsibility.² The first, he stated, judges acts by intentions, while the second judges acts by their results. Thus it seems the distinction he is attempting to make is that of subjective and objective principles, or between agent morality and action morality.

Weber held that the use of force is inherently evil in terms of agent morality, yet one who accepts offices of political power must accept that the decisive use of force is the necessary means of government. Thus to

²Max Weber, Politics as a Vocation, trans. H.H. Gerth and C.W. Mills (Philadelphia: Fortress Press, 1965), p. 46.

fulfill the obligations of political office entailed in action morality, an agent must violate the principles of agent morality by using force. Weber concluded that the agent is caught in an unresolvable paradox in which he must do wrong to achieve right, and at the same time sacrifice his own moral integrity. In Weber's view, the good agent of the state thus becomes a tragic hero, sacrificing himself for others.

More recent writers have seen the problem in slightly different terms. Thomas Nagel has discussed it in detail as a conflict between utilitarianism and "Absolutism."³ By this latter term Nagel is referring to strong deontological theories of morality based solely upon specific moral prohibitions which cannot be justifiably violated under any circumstances.

He does not note that many other moral theories could be said to rely equally upon "absolute" principles. For example, utilitarianism could also be said to rely upon a positive principle that is to be applied absolutely, i.e., to all moral questions and situations. Perhaps it would be more precise to make a distinction between positive principles of morality, which prescribe certain acts or forms of evaluation; and negative principles of

³Thomas Nagel, "War and Massacre," in War and Moral Responsibility, ed. by Marshall Cohen, Thomas Nagel, and Thomas Scanlon (Princeton: Princeton University Press, 1974), pp. 3 - 24.

morality, which prohibit certain acts. If such a distinction is made, it is clear that it is the position of what we might call "Negative Absolutism," concerning prohibitions, that Nagel wants to contrast with utilitarianism.

Charles Fried, in developing his theory of right and wrong, goes even further to state that the conflict is between the "Consequentialist View" of morality and the "Deontological View" of morality.⁴ By this I take him to widen the field, saying in effect that the conflict of utilitarianism and negative absolutism is not limited to those specific theories, but instead relies upon a more basic conflict between the philosophical assumptions which underlie them. I agree with him in this respect, yet believe that little is lost in considering the aspects of the conflict in terms of utilitarianism and negative absolutism, since each is the epitome of the class of theory it represents.

Michael Walzer sees the problem in the same light as Nagel and Fried in most respects, and has further defined the particular factors that he believes cause the conflict.⁵ He states that the problem arises when

⁴Charles Fried, Right and Wrong (Cambridge, Mass.: Harvard University Press, 1978), pp. 7-8.

⁵Michael Walzer, "Political Action: The Problem of Dirty Hands," in War and Moral Responsibility, ed. by Marshall Cohen, Thomas Nagel, and Thomas Scanlon (Princeton: Princeton University Press, 1974), pp. 62-82.

a particular act is the right thing to do in utilitarian terms, but violates a specific moral prohibition. Thus a paradoxical situation can occur in which doing one's utilitarian duty violates an absolute moral prohibition, yet obeying the prohibition entails failure to do one's duty. An example of such a problem might be the case of the public official who is called upon to confiscate private property for public use. We are all familiar with the human-interest stories that occasionally appear in the news media, relating the hardships and heartbreak caused by the condemning of families' homes and land for public highways or reservoirs or other needed public facilities. The agent of the state in these cases may be thought to face a choice between performing his public, utilitarian duty, thereby violating the ownership rights of individuals; or upholding individual rights that prohibit seizure of property without the consent of the owner, thereby failing to perform the agent's public duty. The agent, it seems, can face a true moral dilemma.

It should be noted that this runs close to the dilemma postulated by Weber, but again expands the field to a wider range of issues. While Weber saw the problem specifically as one of the use of force, the positions of Nagel, Fried and Walzer expand the problem to include all absolute moral prohibitions. Weber's problem can be accepted as that of one specific prohibition within the set

of all absolute moral prohibitions considered by the others, and in many ways it exemplifies moral prohibitions in general.

In all of these views of the problem of dirty hands, it is clear that the parties hold that moral prohibitions form a necessary component of morality, and that these prohibitions can conflict with moral duties in some other sense. The dilemma, then, is generated by theories of morality which entail conflicting obligations. On this line, the dilemma can exist only if the agent accepts both theories as necessary for morality, for if he holds strictly to one of the two and rejects the other, no problem exists. For example, the agent who recognizes only negative absolutism as the basis of morality will act in accord with the dictates of moral prohibitions, and ignore utilitarian or other obligations. The utilitarian, of course, will evaluate his moral decisions in a like manner, considering only utilitarian obligations. In either case, the agent may claim to avoid the conflict as formulated by Walzer.

Nagel, however, observes that for most of us the extreme positions are just not acceptable.⁶ He says

⁶Nagel, pp. 4-5.

that the most common view of morality involves some combination of absolute prohibitions with calculations on the consequences of our acts and so, for most people, the dilemma is a real possibility. Although Nagel gives no argument to back up this assertion, it can be seen to rely upon the strong intuitive appeal of negative absolutism itself. As Fried puts it, "...there are some things which a moral man will not do, no matter what."⁷ The intuitive appeal here comes about because we can immediately call to mind certain acts that are so reprehensible that we cannot conceive of ourselves as committing them under any circumstances. The problem with this intuition is also apparent, i.e., that as individuals our sensitivities vary greatly and so there may be little agreement on what acts we judge as falling into this category. The issue of capital punishment might be mentioned in passing as a prime example of a practice which seems to elude moral consensus in our society in just such a manner.

However difficult it might be to argue for Nagel's claim in this regard, the facts concerning whether a majority of us do include absolute prohibitions as necessary to our moral conceptions remain unsubstantiated. For our purposes here, we need merely note that this is

⁷Fried, p. 7.

certainly not an uncommon moral position, and that those who hold it will certainly have to face the possibility of the dilemma as outlined by Nagel and Walzer.

We seem, then, to have at least three moral theories or positions that bear further investigation as possible sources of the moral dilemma of dirty hands. These are: first, a deontological theory of morality based solely upon absolute moral prohibitions, which I have termed "negative absolutism"; second, the consequentialist theory of morality typified generally by the calculations of utilitarianism; and finally, a combination of the principles of the former two in some unspecified mixture.

This, of course, is not meant to be an exhaustive list of moral theories, or even types of moral theories. The theories listed above are merely meant to represent types of theories that have been focused upon as sources of moral dilemmas which lead to the problem of dirty hands in public life. As such, they bear closer examination to determine if the problem they are said to generate is a valid one.

Since the third theory has most recently been proposed as the source of the problem of dirty hands, I will spend the rest of this section looking at how those who hold this view propose to deal with the problem, and then go on to observe more closely the claims that negative absolutism or consequentialism alone do not generate the

problem.

The proponents of morality as a combination of absolute prohibitions with consequential calculations do not deny that this leads to conflicts of principles. In fact, they are quick to argue that such moral dilemmas do exist. What they do, however, is seek to limit the scope of such conflicts to the smallest number of extraordinary cases. The rationale for this is clearly stated by Fried when he admits that there are "emergencies" in which all normal rights and obligations of individuals are altogether dispensed with.⁸ He holds, however, that such extraordinary circumstances should not be generalized to affect the basis of our normal moral life. The implication seems to be that morality is a system of norms which defines the moral life. As such, it cannot be expected to deal effectively with all imaginable abnormal cases. In fact, if its principles were designed to answer the problems of such cases, they would probably be extremely difficult to apply to normal moral life. This can be seen by considering that extreme and often desperate situations calling for moral decisions may necessitate extreme answers that would be wholly out of proportion and thus inappropriate in the less extreme circumstances

⁸Fried, p. 194.

of normal moral decision-making.

Fried seems to be arguing that morality need not answer every strange and terrible problem that we can concoct; to do so would pervert its purposes. What it must do is provide moral norms for all normal circumstances that we are likely to encounter in attempting to live a moral life.

There are obvious problems with this position which center about how we are to define "normal" moral circumstances. The definition must be wide enough to encompass all moral problems an agent is likely to encounter, for the effectiveness of the argument relies upon this factor. If too many problems are left unresolved, and if they lie in the realm of probable encounter, the argument becomes progressively weaker. Yet the line cannot be drawn so that all easy moral decisions are "normal" and those that are difficult or present problems of consistency for this theory are "abnormal," without opening the theory to the charge of being empty.

Thus Fried and the others must be careful in drawing the boundaries so that the set of moral dilemmas is as small as possible, while at the same time excluding as abnormal all cases that could confute their moral theory.

Perhaps the following hypothetical exchange might make these points clearer:

X: Your theory seems to be inconsistent in some, admittedly, extreme cases. In fact it generates unresolvable moral dilemmas.

Y: Yes, we admit that such dilemmas exist, but our theory is not meant to apply to such extreme cases. Since such cases lie outside our theory, they do not present us with any inconsistency.

X: How very clever: at one blow you seem to refute all possible charges of inconsistency, while admitting that such inconsistencies do exist. What, however, do you define as an extreme case?

Y: One to which our theory does not apply. Admittedly, if there were many such cases our theory would be weak or even empty for all practical purposes; but in reality, as we draw the boundaries, there are very few such cases.

X: So to maintain the viability of your moral theory you must exclude all cases as extraordinary which generate dilemmas, while recognizing this number must be small or the usefulness of the theory is destroyed.

Y: Exactly.

This leads us to the question of what the boundaries are which are to accomplish this. First of all, there is the principle that whatever is not prohibited by an absolute norm is permitted.⁹ For example, if we assume

⁹Fried, p. 10.

that one such absolute prohibition is, "Do not murder," this does not necessarily entail a prohibition of all killing in general.

A second principle is that there is no positive duty to prevent prohibited acts by others; each agent is morally responsible only for his own actions. These two principles together seek to limit conflicts to cases in which the absolute moral prohibitions specifically apply and are the responsibility of the agent.

Another principle advanced is that moral prohibitions do not all bear equal weight, and so they may be ranked by priority. This further limits the conflicts that can result in a dilemma to cases in which the alternatives are violations of prohibitions of equal weight.

Finally there is the principle of intentionality, or the "Law of Double Effect."¹⁰ By this principle an agent is not held responsible for the unintended results of an act. If a forbidden result occurs unintentionally, but as a concomitant of another act, it does not count as a violation of a moral prohibition. Thus moral responsibility is limited to intentional acts.

These principles might have the desired effect of limiting the possible cases of moral dilemmas if it were

¹⁰Fried, p. 21.
Nagel, p. 10.

clear how they are to be applied. Unfortunately, there are many loose ends left hanging that make application of the principles difficult.

How specifically should absolute prohibitions be interpreted? It is a commonplace that the "letter of the law" and the "spirit of the law" are not always in agreement, and thus bear interpretation. Moral prohibitions seem to be no different in this regard. One need only consider the previously mentioned prohibition against murder, which has been variously interpreted as forbidding all taking of life, taking of innocent life, taking of human life, etc., to see that there is a problem in defining how the boundary of the prohibition is to be drawn.

It is equally difficult to justify the principle that positive action to prevent prohibited acts is never morally required. In reality, we do often feel that agents are responsible to prevent evils when it is within their power to do so. For instance, when we hear in the media of a violent crime committed in front of bystanders who refuse to "get involved," we may feel a sense of moral outrage and condemnation not only for the criminal, but also for the bystanders for seeming to acquiesce and thus lend support to the act. Furthermore, even if this principle is interpreted as stating that one is responsible for only his own actions and has no further moral obligations to others, it is still difficult to determine

where one's own moral responsibility ends.

The negative absolutist might reply that in every situation, rather than choose to violate a moral prohibition, he can decide to do nothing at all and thus escape with his personal integrity unblemished. But isn't deciding an act in itself for which the agent must assume responsibility? If the decision results in a violation of a moral prohibition, even if the agent does not himself actually commit it, can he truly escape all moral blame?

The Law of Double Effect suffers from vagueness in addressing precisely this problem of responsibility. Can an agent be innocent of moral wrong when the foreseeable result of his action is to cause a moral wrong to be committed, even though he himself does not commit it?

Consider the case of the manager or administrator who sets goals for his subordinates that will, foreseeably, result in improper actions by them. A typical example of this may be found in the case of a police department setting arrest or traffic citation quotas for its officers. Since the administrator must realize that such policies will, at the very least, encourage biased judgements by his subordinates, can he disclaim all responsibility if injustices result? If he can, then it seems that the door is likewise opened for other political and military leaders to disclaim responsibility

for acts committed by their followers, even at their expressed command. The boundary of personal responsibility in these cases is not so easily drawn. It is plain that we expect a higher degree of accountability from our leaders than these principles demand.

The issue of ranking absolute prohibitions is perhaps not so much a boundary as an attempted resolution of the conflicts between prohibitions that would otherwise be legion. After all, if each prohibition is absolute, there would be an unresolvable dilemma in every case in which any two prohibitions applied. To avoid this, all but the most hardened absolutist must admit that there is a hierarchy of prohibitions, with each being absolute only when it is the highest that applies to a given case.

If this admission of priority is accepted, the question then becomes how prohibitions are to be ranked. For example, we might agree that the prohibition against murder is more important and thus has priority over a prohibition against lying; but what of less clear distinctions? Euthanasia, for instance, most often becomes an issue in cases where the choices seem to be between allowing a loved one to live in a state of constant torture, or ending that torture by killing them. This is a gross oversimplification of the problem, yet those who are faced with it seem often to reduce it to just

such stark terms, and to feel personally responsible for a resolution. An appeal to intuition in such a case merely means that the agent is left to his own devices; but to appeal to some other system of calculation introduces other values which further weaken the position that morality can be defined by prohibitions alone.

R.M. Hare has taken the approach that the principles of morality are not absolute, but rather should be viewed as moral guidelines. As such, they are overrideable in exceptional cases, yet they deserve respect and should not be lightly overridden.¹¹

One who holds that absolute principles are a necessary part of morality would not want to agree with Hare's outright rejection of their absolute nature, yet if any exceptions are admitted to negative absolute principles, I submit that their positions are essentially the same. The absolutist is merely trying to preserve a higher degree of respect for the prohibitions than Hare seems to allow. Thus, once exceptions are allowed, the question becomes one of degree: How much respect should a moral rule receive and how easily should it be overridden? Once this question is asked, a "slippery slope" seems to take effect in which the absoluteness of a

¹¹R.M. Hare, "Rules of War and Moral Reasoning," in War and Moral Responsibility, ed. by Marshall Cohen, Thomas Nagel and Thomas Scanlon (Princeton: Princeton University Press, 1974), pp. 46-61.

principle is completely lost. Considered in this manner, it is no longer absolute or unconditional in any sense; it has become completely contingent upon the facts of specific circumstances.

It is for this reason that many of those who include absolute moral prohibitions in their moral theory admit no exceptions to those principles, even at the price of admitting that this engenders moral dilemmas which are left unresolvable.

How do they then deal with the admitted moral dilemmas that are left after all possible has been said and done to limit them in number and likelihood? ----By and large with an air of resignation.

Nagel concludes that such dilemmas exist and give evidence that we live in an evil world.¹²

Max Weber concludes that such dilemmas exist, and thus those who enter the political vocation must do so realizing that they will sacrifice their moral integrity.¹³

Walzer provides an unusual twist, concluding that such dilemmas are real, while proposing that a moral equivalent of the doctrine of the Catholic Church on sin and absolution is the only possible resolution.¹⁴ Those

¹²Nagel, pp. 22-24.

¹³Weber, pp. 53-54.

¹⁴Walzer, pp. 80-82.

who are guilty of violating moral prohibitions must pay or somehow be punished for their indiscretions , to wash their dirty hands clean again. The very peculiar notion here is that even in punishing the guilty one's hands may be dirtied, thus leaving open the possibility of an infinite regress of dirty hands for which Walzer offers no solution or explanation.

Thus the solutions which are offered all amount to no solution at all. We must merely accept that it is an evil world that we live in. Moral dilemmas exist and expose the unfortunate innocents who fall into them to moral condemnation. For those who hold that absolute prohibitions must be part of any system of morality, this is just a matter of how the world is. Yet it is clear that it is negative absolutism that generates the conflicts that have been examined. Therefore, in the next section negative moral absolutism itself will be examined more closely.

II

PROBLEMS OF ABSOLUTISM

Before going any further, a distinction should be made between two forms of moral dilemma which may lead to the "dirty hands" of an agent. The first we might call the "Negative Absolutist's Dilemma," which occurs when all the available courses of action an agent can pursue in a given case result in violations of absolute moral prohibitions. In such cases it seems that whatever course of action the agent chooses, he will stand morally condemned. (An assumption that must be made in such a case is that the one course of action always available, i.e., to decide to do nothing, would also result in the violation of an absolute prohibition.)

The second form of the problem might be called the "Conflict of Obligations Dilemma." This would seem to apply in cases in which an agent is faced by moral obligations and possible courses of action such that whatever action is chosen, important (though not absolute) obligations are violated, and thus again the agent is held morally blameworthy.

This distinction is important for several reasons.

The Absolutist's Dilemma applies only to moral theories that make a specific assumption about the basis of morality. Therefore if the problem of dirty hands was limited to these theories, one might hope to avoid the problem by subscribing to a moral theory not dependent upon absolute moral prohibitions. Indeed, a strong point for other theories might well be that they avoid the inconsistencies that appear to be indicated by the generation of dilemmas. However, the Conflict of Obligations Dilemma does not allow this escape to be so easily made, for the type of problem it proposes must be addressed in any theory that might be advanced.

In the case of theories with multiple moral principles it is easy to see how such conflicts may develop. The problems already discussed in the last section were seen by Nagel, Walzer and the others to be just such conflicts between principles.

Even a single principle may, however, generate conflicts in application. As an example, if we assume that it is an acceptable moral principle that the killing of innocent persons is always wrong, numerous cases are available that demonstrate how a conflict of obligations can arise.

Consider the problem of an Israeli (or any other) political leader faced with terrorist activities coming

from areas beyond his country's borders. Terrorist actions are resulting in the killing of innocent citizens within the state, yet any action against terrorist bases will undoubtedly result in the killing of innocent non-combatants (e.g., Palestinian Refugees). If other courses of action have proven ineffective, the Israeli leader is effectively faced with a choice between accepting the killing of innocent Israelis, or accepting the killing of innocent Palestinians. It appears that both choices facing the agent will result in violations of the principle prohibiting the killing of innocent persons, and both are his responsibility in that he must make the decision. Thus on the basis of a single moral principle it appears that the agent cannot avoid dirtying his hands.

In this example, as in all the cases thus far, moral negative absolutism has played a large part in forcing the problems to appear unresolvable. It seems to lead to this impasse if absolute prohibitions are held to be the sole basis for morality, or if they are held to be a necessary part in combination with other principles. This raises the possibility that the heart of the Absolutist's Dilemma might be inherent in the underlying assumptions upon which absolutism is founded. As stated earlier, this basic assumption is that there are certain acts which are morally unjustifiable under any circumstances. The absolute prohibition of these acts provides

the basis of morality.

The problem that remains is how these acts are to be known or defined. As previously discussed, it seems that at best they can only generally be defined by intuition.

We might then ask how intuition judges acts, what standard it implicitly uses to conclude that given actions are moral or immoral. Perhaps this standard defies explicit statement. Yet in considering the set of moral prohibitions that negative absolutists usually espouse in some form, we may notice common characteristics that imply something of the basis for those judgements.

Charles Fried's theory of right and wrong states specific absolute prohibitions against murder, enslavement and lying, to name a few, and he presents a complex analysis of positive and negative rights to complement these prohibited wrongs. He begins the derivation of his theory, however, by holding that there is one crucial categorical norm: that it is wrong to do physical harm to an innocent person.¹⁵

Fried qualifies this norm in several ways: It concerns only physical harm; must be judged by the directness of action and intention of the agent; and

¹⁵Fried, p. 30.

allowances are made for self-defense, unintended results and harm of non-innocent parties. These qualifications bring up points which Fried develops further as he pursues other norms which, when all are taken together, form his complete deontological theory of morality. He takes care to point out that his first specific prohibition deals only with physical harm, and states that other forms of harm are the objects of other categorical norms.¹⁶

In this outline, it seems that Fried is pointing out the common feature of all absolute moral prohibitions, namely that all deal with the problem of protection from harm in some form. In fact, it does not seem unjustified to say that they all can ultimately be reduced to injunctions against committing specific harms to others. In this reduction the underlying assumption of negative absolutism is revealed, i.e., that it is morally wrong to inflict harm on others.

This is a very difficult position to defend and perhaps this is why it is usually allowed to remain implicit. Those who try to defend it in some fashion, such as Fried, do so by weaving a web of limitations, exceptions and qualifications that are supposed to clarify how morality can apply to reality if such an

¹⁶Fried, p. 53.

assumption is accepted.

The problem is that, in reality, we recognize that we can not exist without doing harm to others. This is a simple matter of survival. For one thing, in a world of limited resources, it is indisputable that whatever one individual consumes cannot be consumed by someone else. Thus one harms others to some degree simply by consuming resources. If the basic goods for survival are plentiful, the harm may be slight or insignificant; but if they are in short supply, as indeed they are in our world, then the harm done to others may be to end their very existence.

In an absolute sense then, the simple assumption that it is always immoral to harm others leads to a reductio ad absurdum in that we must be immoral to live. If we reject this conclusion, the alternative seems to be the conclusion that the absolute prohibition of harm is so removed from reality as to be empty.

Nevertheless, numerous attempts are made to defend some form of this assumption about harm on various grounds.

Intentionality is a primary qualification brought to bear on the issue, holding that intentional harming of others is immoral but unintentional acts are not blameworthy. Even on this line, however, it would not be possible to live morally.

As a matter of both survival and desire, we

recognize that all persons pursue their self-interests. This is a fact of our existence. Once again, if we lived in a world of limitless resources, this might not present any problems. But we do not live in such a world and so we must recognize the facts of conflicts of interests. John Rawls has suggested that such conflicts are the reason for being of our concepts of justice and morality.¹⁷ Without conflicts of interests, we would have no need for morality; but as social beings we do have conflicts and the purpose of morality is to provide us with a means to resolve them.

To resolve a conflict in interests, at least one party's interests (perhaps both parties') cannot be fully satisfied. To that extent, at least one party must suffer harm. Thus morality, in giving us a framework for resolving conflicts, necessarily involves the harming of some or all parties; and if such intentional harming is immoral, morality itself cannot be moral.

In a practical sense, it is quite evident that we all pursue our self-interests, intentionally, and often recognize that in doing so our gain is someone else's very tangible loss. In the business world and in all

¹⁷John Rawls, A Theory of Justice (Cambridge, Mass.: The Belknap Press of Harvard University Press, 1971), p. 4.

career fields, we just consider this to be honest and honorable competition. Admittedly, we feel that there are limits beyond which competitive self-interest can become taking of unfair advantage and be morally reprehensible. These limits however, are very difficult to define and we seldom condemn someone merely for being successful at the expense of his competitors.

An approach taken by absolutists to avoid these problems is to prohibit only very specific harms, for example, Fried's statement that a moral man will not murder, enslave or deceive others. If we have argued that one cannot live without harming others, the response of the absolutist may be taken as the assertion that one may avoid certain specific harms. For example: one can live without having to murder others under normal circumstances.

The problem with this approach is that it seeks to label specific acts as inherently evil, yet acts are of themselves inherently neither morally good or evil. We can for every act, no matter how reprehensible to our normal sensibilities, imagine extreme circumstances in which it might be morally justified. In such cases, prohibitions of specific acts harming others lead to absurdities in which obeying the prohibition entails doing more harm than that the prohibition protects against.

Consider the problem of lying. The question of whether lying or deception is morally justifiable under some circumstances is not only a constant subject of ethical inquiry in moral philosophy, but also is a topic of great interest to many professional associations. There is no denying that, while lying is in most cases a despicable practice, there are numerous situations we all have faced in which telling the truth entails doing harm to an innocent person that seems overwhelming in comparison to the harm of violating a prohibition against lying.

Conceivably, the absolutist might remonstrate, "You just miss the whole point of moral prohibitions. Lying, for instance, should more properly be defined as an act of deception that just is morally blameworthy. Then by definition the term is restricted to label acts that can be judged by moral standards, and not to label acts just by their factual consequences."

But this leaves us with the question unanswered of how the moral standards are to be defined. The absolute principle is itself supposed to delineate a moral standard, so that defining it by appealing to other standards destroys its avowed purpose. If this move is made, once again the prohibition is no longer absolute, but has been made contingent upon other judgements to be made by some other standards. This is equivalent to a re-

jection of negative absolutism.

Returning to the problem of dirty hands: We have discussed how the type of moral dilemma resulting in dirty hands can be generated by moral theories based in part or completely upon negative absolutist assumptions. There are problems however, with those assumptions. If the absolutist assumes that harming others is always immoral, then it is impossible for anyone to be moral. If he merely assumes that specific harms are inherently evil, he faces the absurdity of moral acts sometimes doing more harm than immoral alternatives.

If we reject these assumptions, and thus reject negative absolutism as a basis for morality, the dilemmas as generated by that theory can also be rejected as pseudo-problems of little moral consequence. The problem of dirty hands, as formulated involving negative absolutism, is thus also not a real moral dilemma.

One further point should be noted. A primary function of government is to preserve order by resolving conflicts as they arise in society. In this it can be seen to be the institutionalization of our moral enterprise. Thus if it is not possible for us to be moral, it is certainly not possible for our government or its agents to be moral either. Therefore, if one insists upon holding onto negative absolutism in some form, in spite

28.

of its problems, he will have to conclude that the agent of the state will have dirty hands, but then so will everyone else.

III
CONSEQUENTIAL THEORIES
AND THE
CONFLICT OF OBLIGATIONS

Consequential theories of morality, as epitomized by utilitarianism, deny the existence of moral dilemmas in general. When faced with a seeming dilemma, for example, when all possible courses of action seem evil, the simple solution offered is to choose that which is least evil. In these circumstances, choosing an evil is the best course of action available and thus it is morally justified, and brings no blame to the agent. This seems straightforward and practical enough, yet it leaves many troubling questions unanswered.

First of all, all consequential theories of morality must have some basic principle or standard against which consequences can be weighed and evaluated as morally right or wrong. Examples of such principles abound: Act Utilitarianism and Rule Utilitarianism come immediately to mind. The problems involved with these principles are a neverending source of philosophical amusement.

Here we want, however, to consider the viability

of consequential moral theories in general, and not specific formulations of utilitarianism. Thus we need to consider what all consequential theories have in common in the application of their principles to problems of moral choice. In applying a moral principle to a situation, the implication is that an act is moral if and only if it meets the moral obligations outlined by that principle. Therefore the general question is one of meeting obligations.

The simplest form of the problem of a conflict of obligations can be outlined by assuming a situation in which there are only two possible courses of action open to an agent (again assuming that one of the two is to choose to do nothing, since this choice would always be available). In such a situation the following possibilities would exist:

	<u>COURSE 1</u>	<u>COURSE 2</u>
Case 1	Moral	Immoral
Case 2	Moral	Moral
Case 3	Immoral	Immoral
Case 4	Moral ₁ /Immoral ₂	Moral ₂ /Immoral ₁

In each of these cases, using the terms "moral" or "immoral" is simply a way of saying that the courses of action meet, or fail to meet, the moral obligations that

apply to the situation.

Case 1 represents the situation in which one available course of action is moral, while the other is not (the numbers merely denote two distinct, but not specified courses of action). In such a case, the moral course of action is obviously the one which should be chosen, i.e., there is no conflict of moral obligations.

Case 2 presents the problem of choosing one of two moral courses of action. There are actually two slightly different situations to be considered here. One is that in which both courses of action are morally justifiable, but one is clearly more important than the other. The other is the possible situation in which both courses of action are equally moral and equally important.

There are some who would deny that the second situation ever exists in reality, holding that there is always some factor which allows the priority of one choice to be determined. This utilitarian view is exemplified by Brandt's and Hare's denials of the existence of moral dilemmas on the grounds that a perceived conflict can always be resolved on a higher level of calculus.¹⁸

¹⁸Hare, pp. 53-54. Also,

R.B. Brandt, "Utilitarianism and the Rules of War," in War and Moral Responsibility, ed. by Marshall Cohen, Thomas Nagel, and Thomas Scanlon (Princeton: Princeton University Press, 1974), p. 27.

The question that remains is how a higher level of calculus is to provide such a resolution. One possible explanation might be found in W. David Ross's discussions of "prima facie" and "actual" obligations.¹⁹

To greatly simplify Ross's theory: Actual obligations are arrived at by considering all the ethically relevant characteristics of a situation, a type of "all things considered" evaluation that establishes the real ethical priorities involved.²⁰ A prima facie obligation, on the other hand, is not a real obligation at all. It merely expresses the tendency of a state of affairs to be obligatory, and thus is one step in the process of determining the actual obligations of a situation.²¹

¹⁹W. David Ross, Foundation of Ethics (Oxford: The Clarendon Press, 1939), pp. 84-86. Also, The Right and the Good (Oxford: The Clarendon Press, 1930), pp. 18-20.

While Ross should not be classified as a "consequentialist," and certainly not a utilitarian, I think his discussions of the in-depth evaluation of obligations fit well with the idea that a higher level of calculus might provide a resolution when there appears to be a conflict of obligations. Thus I have used this part of his theory, admittedly out of context, as an example of the type of evaluation that could be said to provide another "level of calculus."

²⁰Ross, Foundation of Ethics, p. 85.

²¹Ross, Foundation of Ethics, p. 86. Also, The Right and the Good, p. 28.

If such an evaluation of priorities is possible, then Case 2, concerning conflicting moral obligations, will not present a dilemma. It can be claimed that any perceived conflicts of this type are merely confusion about the prima facie obligations of the situation, and that closer evaluation will reveal the actual obligations, resolving the supposed conflict.

If one fails to believe that all conflicts of this type are resolvable in this manner, there is yet another resolution to consider. If there are cases in which, after all things are considered, conflicts between actual moral obligations still exist, the conclusion must be drawn that they are of equal moral weight. This being the case, either course of action chosen by the agent is equally moral, and thus he can accrue no moral blame for his choice. This is not to say that one course of action might not be better than the other on other than moral grounds; it merely means that the issues of moral obligation are satisfied by either choice in this case.

Case 3, in which both courses of action available to the agent fail to meet the moral obligations of the situation, is similar in some aspects to Case 2. It can be argued, for instance, that the lesser of two evils can be determined by careful evaluation of the actual obligations. Utilitarianism holds that the choice of the lesser evil is the best choice available in such a

situation, and thus relieves the agent of any moral responsibility beyond choosing this course. The troubling fact remains, however, that the agent is left with a course of action that is considered morally wrong under normal circumstances.

This is a classic situation which is said to lead to dirty hands in public life. A common example is the case of the public official who is called upon to make a policy decision on a matter of distributive justice that will necessarily result in hardship and suffering for some sector of the population, no matter which course of action is chosen. The utilitarian solution of the "lesser evil" can be extremely vague in these instances. How is suffering to be measured, or the good that might be weighed against it? It would seem grossly unjust to demand some persons die for the mere convenience of many others, yet this type of choice is entirely possible under some forms of utilitarian calculus. It is this type of unsettling possibility which leads Rawls to criticize utilitarianism for "ignoring individuals,"²² and Bernard Williams to condemn utilitarianism's ignoring of "moral costs."²³

²²Rawls, pp. 26-27.

²³Bernard Williams, "Politics and Moral Character," in Public and Private Morality, ed. by Stuart Hampshire (Cambridge: Cambridge University Press, 1978), p. 65.

Nevertheless, returning to Case 3, we must consider what options are open to the agent. By our assumptions, the choice to do nothing in such a case is as morally wrong as the other possible course of action. Thus it appears we have trapped the agent in a genuine moral dilemma. Whatever choice he makes violates moral obligations.

There are other factors, however, which bear consideration. For one thing, the utilitarian principle of choosing the lesser evil clearly bears weight in many situations. One possible choice may cause far more suffering than the other, or one may in some way entail a far greater moral wrong. Returning to the example of lying, in numerous situations lying would seem preferable to telling the truth if the result were to inflict undeserved suffering upon an innocent person. If the agent must choose between moral evils, we can at least hold him responsible for choosing that which is least evil.

There is also the question of the agent's prior innocence. By this I mean the degree to which the agent is responsible for the situation in which no courses of action normally considered moral are open to him. If he is clearly responsible in some manner for the situation confronting him, we are apt to hold him responsible for the evil consequences. If, however, the situation evolves in some manner beyond his control, we are more

apt to excuse him of responsibility for the consequences. Thus if the latter situation can occur, if an agent can be caught in circumstances in which the only actions he can perform would be considered morally wrong under normal circumstances, the very abnormality of the circumstances may absolve him of moral blame.

This, once again, is precisely the problem of dirty hands. The distinction which is sometimes made between "public morality" and "private morality" is not a distinction between two different moral codes. Attempting to make a distinction in this manner is a great generator of moral confusion. The real distinction should be made between moral normality and abnormality.

This should not be construed to mean that private life is normal while public life is abnormal. There are normal and abnormal moral circumstances in both private and public life, and morality applies equally to both life-styles. It is indisputable, however, that the complexities and responsibilities of public life are much more likely to catch individuals in abnormal circumstances where their choices are severely restricted, and dirty hands seem inevitable.

At this point we should consider what the import of the problem of dirty hands is meant to be. If the committing of any "normal" moral violation always results in dirty hands, regardless of circumstances, then

this is an inevitable feature of public life. If, however, the term is a pejorative one used to indicate moral blameworthiness, then there are instances in both private and public life in which necessary actions are performed that seem to violate normal moral obligations, yet dirty hands do not result. By this interpretation, concerning moral blameworthiness of the agent, dirty hands are not an inevitable concomitant of public life.²⁴

There is still one more case to be considered, Case 4, in which each course of action meets one important moral obligation, but ignores the equally important moral obligation met by the alternative course of action.

Problems of this type are as old as Plato, who discussed the obligation to return weapons to their

²⁴The objection might be raised here that if "abnormal" circumstances are allowed to excuse moral blameworthiness, then the absolutist's appeal to the same notion must also be allowed, relieving him of the charge that negative moral absolutism leads to paradoxical inconsistencies. The point is, however, that an appeal to abnormal circumstances is consistent only with a moral theory that accepts the premise that correct moral action is contingent upon the circumstances of a situation. The appeal to abnormality is thus an appeal to contingency which the absolutist cannot make without giving up the heart of his theory.

rightful owner after he has gone mad;²⁵ and as modern as Sartre's famous "paradox" of the young man who must choose between joining the resistance movement to free his country, or caring for his mother.²⁶ These so-called "paradoxes" are excellent examples for our purposes, since they demonstrate two sides of the form of dilemma we have outlined in Case 4.

Plato's paradox hardly seems a problem at all. One would have to be more than a moral idiot to give weapons to a madman. Thus this case appears to be little more than a "strawman" advanced by Plato to demonstrate his point that morality ("justice") cannot be simplified to the formula of, "Rendering unto each his due."²⁷

The example performs admirably for Plato because it shows that moral obligations must be subject to critical evaluation and that they can be prioritized, or in Ross's terms, that the prima facie obligations of the case do not define the actual obligations.

²⁵Plato, Republic, trans. Paul Shorey, in The Collected Dialogues of Plato, ed. by Edith Hamilton and Huntington Cairns (Princeton: Princeton University Press, 1978), Book I: 331c-332a.

²⁶Jean-Paul Sartre, Existentialism As a Humanism, trans. Philip Mairet (New York: Philosophical Library, 1949).

²⁷Plato, Republic, Book I: 331c-335e.

Thus Case 4 problems in the form of Plato's paradox can be reduced to the conflicts of obligations discussed earlier in Cases 2 and 3, in which deeper evaluation of the actual obligations revealed priorities that resolved the "dilemma."

The form of Case 4 problem exemplified by Sartre's paradox is much more complex, and seems to defy resolution even by evaluation in depth. If, however, such evaluation either cannot determine the actual obligations, or cannot establish their priority, then the problem still reduces to the forms discussed in Cases 2 and 3, in which both alternatives were morally equal and therefore an agent could not be condemned for either choice.

We might conclude then, that the type of problem outlined in Case 4 can be reduced to those discussed in Cases 2 and 3, and thus all three of these forms of "dilemma" appear to be resolvable from a consequentialist approach.

It might be objected that in a normative sense it still seems possible to say one, "Ought to do X," in a given situation even though "X" might not be possible. As a general example: some would hold that one ought to try to act morally and refuse to commit what would normally be considered an immoral act even in an abnormal situation. For instance, if an agent is called upon to

decide who might live or die in a survival situation, some would maintain that the agent should refuse to make such a decision and leave it to chance, no matter how disastrous the consequences.

The point this brings out is that the consequentialist's resolutions of moral conflicts are pragmatic ones, which depend upon the assumption that "ought" implies "can." This returns us to a point touched on at the beginning of this paper, having to do with the most basic philosophical assumptions about the purposes of morality.

There is a form of moral idealism which is both very attractive and very prevalent in our society. It seeks to simplify the problems of morality by appealing to a set of rules that reduce the issues to black and white. There is no single moral perspective that alone is guilty of this; it can be found in some form in every variety of moral, religious or political persuasion. Whether there is an explicit list of prohibitions which are taken to define morality, or a list of inviolable rights, or it is simply said that, "There are things a moral man just will not do," the result is the same: a morality of impossible standards to be strived for.

The problem with impossible standards of morality is that they are so far removed from reality that they are empty of meaning, and so they generate moral confusion.

When we find it impossible to live without violating certain civil laws, we eventually come to regard them in very low esteem and may cease to consider them as engendering any obligation for us at all. The same phenomenon occurs in regard to the moral principles from which our laws are derived. An impossible moral standard is a useless fantasy.

Morality is not something we dream about, but rather something that guides us in our everyday lives. It is no great wonder that many people espouse a certain moral code, yet seem to act upon other moral principles without any concern about inconsistency. They have detached morality from reality, recognizing instinctively that worrying about "oughts" that are beyond their powers to perform is a senseless enterprise.

Morality can make sense only when "ought" implies "can." In terms of obligations, the possible courses of action define the limits of obligations. In other words, an "ought" cannot be an actual ought unless it is possible. Obligations which are beyond the realm of possible actions are at best only *prima facie* obligations.

Thus we may conclude that a consequential approach to conflicts of moral obligations, based upon the assumption that "ought" implies "can," places such problems in the proper perspective. Though there are definitely difficult moral decisions, there are no dilemmas in the

sense that an otherwise innocent agent can be forced to commit acts for which he should be held morally blameworthy. He may be forced to commit acts which outrage his moral sensitivities and for which he feels genuine regret and guilt. However, as Rawls among others has pointed out, intuitive feelings of guilt alone are hardly an adequate measure of the moral propriety of an act.²⁸ We are too prone to having improper guilt feelings that defy critical evaluation and rational justification. If we relied upon these sensitivities to determine the morality of our actions, we would have some strange moral codes indeed.

This should not be construed to be a vindication of utilitarianism as the only pragmatically sound approach to morality. As mentioned earlier, utilitarianism in all its forms encompasses too many problems with its principles for measuring utility to even allow them to be listed here.

Utilitarianism is a consequential theory of morality because it asks the question, "What should I do?" in terms of results in any given situation. It ignores completely another question: "What should I be?" It is this utter disregard for the individual which fuels utilitarianism's critics.

²⁸Rawls, pp. 481-482.

A consequential approach to morality need not be so single-minded. It is foolish to try to separate the person from the acts he commits in social roles. There cannot be different moral standards for each role the person fills. There is one person who must answer as a moral agent for his acts in each and all of his roles. To establish a different standard for each role could only lead to confusion (e.g., "What standard applies to which role?"). Furthermore, allowing the agent to disassociate his personhood from particular roles (e.g., "I'm really a good person, but my position forces me to do these terrible things.") will create multiple moral standards in which anything could be justified in terms of role.

The personhood of an individual is defined by his acts as much, or more than it is defined by his espoused beliefs and intentions. Therefore, when I ask the immediate question, "What should I do?" in a situation, the question, "What should I be?" is implied and of paramount importance, because the consequences of my actions can not be separated between me as a person and me as a moral agent.

Morality is above all a function of personhood; it is not an end in itself. To loosely paraphrase a biblical quotation: Morality is made by man, man is

not made for morality.²⁹ Those who ignore this fact and attempt to divorce moral agency from personhood create moral monsters capable of committing the greatest atrocities in the name of moral principles. Utilitarianism, concerned as it is only with results in a social sense, ignores persons except as mechanistic parts of a larger social order. This ignores one of the very purposes of morality.

There are two such intertwined purposes. One is to develop and maintain social order, and it is this and this alone that utilitarianism pursues. The other purpose for morality is to develop the person, to provide the sense of "virtue" which seems to have so obsessed the ancient Greek philosophers. This is not a fatuous or ephemeral pursuit; its goal is nothing less than the psychological well-being of the individual. For an individual to be a complete and functioning person, he or she must have not only a clear view of their obligations and relationships in the social order, but also a sense of self-justification and self-worth. It is this latter sense of self-worth that utilitarianism ignores, and without it, it is difficult to conceive how an individual can satisfactorily relate to the larger social order.

²⁹With apologies to: Mark 2:27.

Thus our conclusion, that a consequential approach to problems of morality allows resolution of supposed dilemmas without the result of dirty hands, is not an endorsement of utilitarianism, even though it is the most prevalent of consequential moral theories.

IV

CONCLUSION

In summing up, the problem of dirty hands in public life has been identified as a particular form of moral dilemma. As such, it has to be considered in terms of the larger issues of moral dilemmas in general, i.e., how they originate, whether they are resolvable, and thus ultimately whether they really exist as true dilemmas, or are merely misconceptions spawned by faulty moral theory. In this vein, several formulations of moral dilemmas have been examined, along with their possible origins and resolutions.

It has appeared that moral theories based solely, or in part upon absolute moral prohibitions against certain specific acts, lend themselves to the generation of irresolvable moral dilemmas. This results in the view that otherwise innocent agents, in both private and public life, may be caught in situations in which it is impossible for them not to commit moral wrongs, leaving them with dirty hands through no fault of their own. This does not involve any inconsistency in absolute moral theories themselves, since they need only regretably accept that such situations are possible, while

maintaining that they are so rare that they may be disregarded for normal purposes.

In another sense, however, the very function of moral theory appears to be inconsistent with moral negative absolutism. If we accept that moral "ought's" imply "can," as I (as many others) have argued, then moral principles must be contingent rather than absolute, for only contingent principles give weight to the real circumstances of a moral problem. Absolute moral prohibitions define "ought's" without regard for particular circumstances, and thus can provide us only with an ideal conception of morality that is problematic for purposes of application.

Consequential theories of morality do not face the same form of dilemma engendered by negative absolutism, but must deal with the problem of serious conflicts between obligations defined by consequential principles. By their nature, however, consequential theories provide resolutions to such conflicts either by some calculus for ranking obligations in a hierarchy, or by removing moral significance from all conflicts whose consequences are morally equivalent. Thus consequential theories of morality deny the existence of real moral dilemmas.

The particular difficulty which remains for consequential theories is that of defining their moral principles so that they do not result in actions that

seem inconsistent with their intent. For while consequential calculations may relieve an agent of moral responsibility for the results in situations of limited choice, they may do so at the cost of endorsing principles which oversimplify complex issues concerning how things are to be accorded moral weight. The results of calculations using such principles may be so inequitable that they outrage our sense of moral justice in spite of their consistency. This is precisely the problem faced by the numerous forms of utilitarianism, which seek to doctor principles of utility to achieve some balance between the good of society and individual rights.

Thus we may conclude that if one holds to a theory of morality involving absolute moral prohibitions, one must also accept the disturbing conclusion that innocent agents of good intention may face unresolvable dilemmas which force them to dirty their hands in both private and public life.

On the other hand, if one holds a more pragmatic, consequential theory of morality, the existence of moral dilemmas can be rejected, but only at the expense of accepting principles of calculation that may often lead to results that are equally discomforting. On this line an agent cannot be forced to "dirty his hands" in terms of moral blameworthiness, though he may be forced to

commit acts which are repugnant to his normal sense of moral approbation.

Perhaps there is no more satisfactory approach to the problem than this consequential perspective. Given the inescapable fact that there are circumstances in both private and public life in which we may be called upon to do things that offend our sensitivities, consequential morality at least admits such cases without requiring "mea culpa's" for things beyond our control. This in itself is no small service, since such exercises in repentance can only be futile, self-destructive, and contribute to the trivialization of morality.

Still, there can be no denying the unsatisfactory aspects of most consequential theories of morality as they exist at present. While there is certainly no space to develop such a theory here, I see nothing contradictory in the idea of a deontological theory of morality based upon obligations to persons, contingent upon circumstances, and with decisions calculated with regard to resulting consequences. Unfortunately (or perhaps fortunately), the development of such a theory is itself a major undertaking which will have to wait for another time.

BIBLIOGRAPHY

- Brandt, R.B. "Utilitarianism and the Rules of War." In War and Moral Responsibility, pp. 25-45. Edited by Marshall Cohen, Thomas Nagel, and Thomas Scanlon. Princeton: Princeton University Press, 1974.
- Fried, Charles. Right and Wrong. Cambridge, Mass.: Harvard University Press, 1978.
- Hare, R.M. "Rules of War and Moral Responsibility." In War and Moral Responsibility, pp. 46-61. Edited by Marshall Cohen, Thomas Nagel, and Thomas Scanlon. Princeton: Princeton University Press, 1974.
- Holy Bible. Mark 2:27.
- Nagel, Thomas. "War and Massacre." In War and Moral Responsibility, pp. 3-24. Edited by Marshall Cohen, Thomas Nagel, and Thomas Scanlon. Princeton: Princeton University Press, 1978.
- Plato. Republic. Translated by Paul Shorey. In The Collected Dialogues of Plato. Edited by Edith Hamilton and Huntington Cairns. Princeton: Princeton University Press, 1978.
- Rawls, John. A Theory of Justice. Cambridge, Mass.: The Belknap Press of Harvard University Press, 1971.
- Ross, W. David. Foundation of Ethics. Oxford: The Clarendon Press, 1939.
- _____. The Right and the Good. Oxford: The Clarendon Press, 1930.
- Sartre, Jean-Paul. Dirty Hands (Les Mains Sales). In No Exit and Three Other Plays by Jean-Paul Sartre, pp. 131-248. New York: Vintage Books, 1955.
- _____. Existentialism as a Humanism. Translated by Philip Mairet. New York: Philosophical Library, 1949.

- Walzer, Michael. "Political Action: The Problem of Dirty Hands." In War and Moral Responsibility, pp. 62-82. Edited by Marshall Cohen, Thomas Nagel, and Thomas Scanlon. Princeton: Princeton University Press, 1978.
- Weber, Max. Politics as a Vocation. Translated by H.H. Gerth and C.W. Mills. Philadelphia: Fortress Press, 1965.
- Williams, Bernard. "Politics and Moral Character." In Public and Private Morality, pp. 55-73. Edited by Stuart Hampshire. Cambridge: Cambridge University Press, 1978.

8-1